

MEMORIAL

OF THE

Legislative Council of the Territory of Michigan,

IN BEHALF OF THE INHABITANTS WHO

SUFFERED BY THE DESTRUCTION OF PROPERTY

DURING

THE LATE WAR.

DECEMBER 20, 1827.

Referred to the Committee of Claims.

WASHINGTON :

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1827.

WITNESSES

Explanatory Chapter of the History of the
The following is a list of the witnesses who
were present at the trial of the accused
on the 10th day of the month of the year
1857.

ATTESTED BY THE DEPOSITION OF WITNESSES
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were present at the trial of the accused
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THE JURY

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MEMORIAL.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled :

Your memorialists, the Legislative Council of the Territory of Michigan, in behalf of sundry citizens of said Territory, who have claims against the United States for property lost, captured, or destroyed, during the late war,

RESPECTFULLY REPRESENT :

That there are many worthy citizens of the Territory of Michigan, who not only made great sacrifices in defence of the country, but suffered severe and heavy losses of property, captured or destroyed by the enemy, during the late war ; since which time, they have sought relief from the Government of the United States in vain.

The law of Congress, of April 9, 1816, entitled " An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," and the amendments to said act, approved March 3d, 1817, and March 3d, 1825, whatever might have been the intention of Congress, when passing the acts, have fallen far short of giving that relief to the suffering citizens of the Territory, to which, in the opinion of your memorialists, they are so justly entitled.

The rules of construction, in relation to testimony, marked out by the War Department, have barred many of the claims of the citizens seeking relief by virtue of the acts aforesaid.

That your honorable body may be informed of the nature and extent of the claims for which we ask relief, we have thought fit and proper to make the following statement of them, with reference to the acts of Congress aforesaid : with that object in view, they may properly be divided into four classes, viz :

First. Claims for houses burned and destroyed by the enemy, while the same were occupied as a military post or deposite, under the authority of an officer of the United States.

Second. For houses burned and destroyed by the enemy, after the capitulation ; having been previously occupied by the military, under the authority of the United States.

Third. For houses burned and destroyed by the enemy, before and after the capitulation, having never been occupied by the military, under the authority of an officer of the United States.

Fourth. For personal property seized, burned, and destroyed by the enemy, before and after the capitulation, or surrender of the Territory, often in *gross violation* of the articles of capitulation, and the most solemn pledges of the enemy, that "personal property should be respected."

Some of the claims of the first class, have been allowed and paid ; while the other claims still stand unredeemed.

Proof has been required, that the buildings, for which damages are claimed, were, at the time of their destruction, occupied by order of an Agent or Officer of the United States, &c.

That proof, in cases coming within the purview of the acts aforesaid, has generally been obtained with much difficulty, and many such cases have failed, for want of requisite testimony ; the Agent or Officer who gave the order, having since died, or is not known to the claimant. The claims, included in the second and third classes, and also the fourth class, where the order of an Officer or Agent could not be proved, have been totally rejected.

The inhuman conduct of the enemy, at the surrender of Detroit, by the wanton waste, and cruel destruction, and plunder of private property ; the conflagrations at French Town, and River Raisin, before and after the surrender of those places, in part, are recorded in the Office of the War Department.

Could the scenes which transpired at the bloody massacre of Winchester's army, the war dance of the Savages, around the flaming cottages of our citizens, be truly painted, and duly represented to the view of your honorable body, the humble patriot, bowed down with penury and distress, by the losses he then sustained, would need no other advocate for his claims before the liberal Government of his country.

The question would not be asked of the claimant, if his house was occupied as a military post, or place of deposite, by order of an Officer of the United States : no. the citizen complains, that, after the capitulation, his cattle were shot, and plundered ; his clothes were pillaged from his house ; his furniture made bonfires ; and his house a conflagration ; by a cruel and unrelenting enemy. That it is the duty of the Government, to protect the citizen and his property, in time of war, is a sufficient argument for his relief. The broken faith and solemn pledges of the enemy, "that private property should be respected," in many cases, is the foundation of the claim of the citizen ; and for which all civilized Governments ought to be responsible.

Having the fullest confidence in the Government of our country, in the generosity and humanity of Congress. and, at the same time, full faith in the equity and justice of the claims of the citizens of this Territory, in whose behalf the Legislative Council have been solicited to call the attention of Congress ; the Legislative Council have a lively hope that the Government of their country will once more look with compassion upon the sufferings of their citizens on this late unfortunate and bloody frontier of Michigan ; and that the wis-

dom of Congress will devise some means of relief that will give an equitable compensation for the losses of the claimants aforesaid. And your memorialists will ever pray, &c.

J. EDWARDS,
President of the L. C.

IN COUNCIL, Dec'r. 27th, 1826.

Resolved, By the Legislative Council of the Territory of Michigan, that the President of the Council be, and he is hereby, requested to transmit copies of this memorial and resolution to the President of the Senate, Speaker of the House of Representatives, and to the Delegate in Congress; and that the said Delegate be requested to use his best exertions to obtain, in Congress, the relief in said memorial solicited.

I hereby certify that the foregoing are true copies of the Memorial and Resolution of the Legislature of the Territory of Michigan, as adopted and passed by them in session, on the twenty-seventh day of December, A. D. 1826.

E. A. BRASH, *Clerk.*

